



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): )  
Gardiner et al. ) Title: Optical Element Having  
Serial No: 09/415,471 ) Programmed Optical Structures  
Filed: October 8, 1999 )

**TRANSMITTAL OF EXECUTED DECLARATION**  
**with Petition for Extension of Time**

*Assistant Commissioner for Patents*  
*Washington, D.C. 20231*

*Attention: BOX MISSING PART*

Sir:

Submitted herewith is an executed Declaration for filing in the above-identified application, in response to the Notice to File Missing Parts issued by the Patent and Trademark Office on November 1, 1999.

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this paper and the documents referred to as enclosed therewith are being deposited with the United States Postal Service as first class mail, postage prepaid, on January 14, 2000 in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Anthony G. Sitko

01/21/2000 NPIRASAO 00000028 09415471  
02 FC:115 110.00 OP

**Extension of Time**

- This is a petition for an extension of time under 37 CFR 1.136 for the total number of months checked below:

EXTENSION (Months)	FEE FOR LARGE ENTITY		FEE FOR SMALL ENTITY	
One Month	X	\$110.00		\$55.00
Two Months		\$380.00		\$190.00
Three Months		\$870.00		\$435.00
Four Months		\$1,360.00		\$680.00
Fifth Month		\$1,850.00		\$925.00

Also enclosed is a copy of the Notice together with our check in the amount of \$240.00 in payment of the fee and one-month extension of time.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. A copy of this request is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

By:

  
Anthony G. Sitko  
Reg. No: 36,278

January 14, 2000

JAN 19 2000



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

(3)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
09/415,471	10/08/99	GARDINER	M 28724/35321

0232/1101  
 ANTHONY G SITKO MARSHALL O'TOOLE  
 GERSTEIN MURRAY & BORUN  
 6300 SEARS TOWER  
 233 SOUTH WACKER DRIVE  
 CHICAGO IL 60606-6402

NOT ASSIGNED

1745

DATE MAILED: 11/01/99

11/100

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed)  non-small entity is \$ 150.

1. The statutory basic filing fee is:

- missing.  
 insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unsigned.  
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER.

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*R. Brown*  
A copy of this notice **MUST** be returned with the reply.

130.00 US

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Customer Service Center  
 Initial Patent Examination Division (703) 308-1202